

19-CV-5234 FILED

8/7/2019

SXB

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE: CAPITAL ONE CUSTOMER DATA
SECURITY BREACH LITIGATION**

**THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**

MDL DOCKET NO. 2915

**MOTION OF DISTRICT OF COLUMBIA PLAINTIFFS FOR TRANSFER
TO AND CONSOLIDATION OR COORDINATION OF RELATED
ACTIONS IN THE DISTRICT OF THE DISTRICT OF COLUMBIA**

Plaintiffs Kevin Zosiac, Akram Tadrous, Paul Berger, David Bienfait, Mark Bodner, Timothy Davidson, Adam Greenstein, LaToya Jawara, Vicki Johns, David Rosenthal, Stephen Rosenthal, Marcia Sorin Lara Greenstein, and Eliyahu Lipskar (collectively, the “D.C. Plaintiffs”) respectfully move this Panel pursuant to 28 U.S.C. § 1407, for an order transferring and centralizing for consolidated or coordinated pretrial proceedings in the United States District Court for the District of the District of Columbia over 20 class actions in which plaintiffs allege that lax data security measures allowed unauthorized outsiders access to the confidential information of over 100 million payment card customers and applicants of units of Capital One Financial Corporation (collectively, “Capital One” or “Defendants”). In support of this Motion, the D.C. Plaintiffs state:

1. Over 20 class actions have been filed against Capital One, which, according to its website, is the nation’s third-largest credit card issuer. The Related Actions generally include counts alleging Capital One’s negligence, breach of implied contract, and violations of various state consumer protection statutes. As set forth in the accompanying Schedule of Related Actions, five are pending in the District of the District of Columbia, four are pending in the Eastern District of Virginia, and the remainder are pending in various other districts.

2. Centralization of the Related Actions will promote the goals of 28 U.S.C. § 1407 by conserving judicial resources, reducing litigation costs, preventing potentially inconsistent pretrial rulings, eliminating duplicative discovery, and permitting the cases to proceed more efficiently. Plaintiffs in all of the Related Actions allege that Capital One's misconduct resulted in unauthorized outsiders having access to its customers' and applicants' confidential information over a period of several months.

3. The Related Actions are in their early stages. No responsive pleadings or dispositive motions have been filed. No discovery has been authorized. Centralization of these actions at this early stage will allow the transferee court to efficiently resolve the common factual and legal issues and address overlapping discovery related to these issues.

4. The District of the District of Columbia is the most appropriate forum for transfer and consolidation or coordination of the Related Actions for at least the following reasons:

- Capital One is headquartered in McLean, Virginia, closer to the District of Columbia courthouse than any other federal courthouse;
- More Related Actions are pending in the District of the District of Columbia than in any other court;
- The District of the District of Columbia has demonstrated considerable expertise in the management of complex litigation generally, and with respect to data breach litigation in particular; and
- Judge James Boasberg, to whom the District of Columbia cases have been assigned, is an experienced jurist, particularly with regard to complex class litigation.